IN THE HIGH COURT OF JUDICATURE,

ANDHRA PRADESH:AT HYDERABAD.

(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE SIXTEENTH DAY OF JUNE,

TWO THOUSAND TWO.

PRESENT:

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION. No. 249 OF 1999.

Between

Smt. P.Swarajya Laxmi

…..Petitioner

and

The Mandal Revenue Officer, Anakapalli Mandal & Post, Visakhapatnam District.

…..Respondent.

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed herein, the High Court will be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the respondent in not passing any order basing on the representation dated 19-6-1996 and asking the petitioner to vacate the land to an extent of Ac.2.12 cents in Sy.No.173/Part of Kodur village, Anakapally Mandal, Visakhapatnam District as arbitrary, illegal and contrary to the orders passed by this Court and consequently to pass appropriate orders.

FOR THE PETITIONER: Sri K.Ananda Rao, Advocate

FOR THE RESPONDENT: None appeared.

The Court made the following Order:

ORDER:

This Writ Petition is filed, questioning the action of the respondents in not considering the representation of the petitioner dated 19-6-1996 and steps taken by the respondents to evict the petitioner from the land in Sy.No. 173/p, admeasuring Ac.2.12 cents situated in Kodur Village, Anakapalli Mandal of Visakhapatnam District.

Late husband of the petitioner was in possession of the land in question. Earlier, he filed Writ Petition No. 9770 of 1992, on the ground that steps were being taken to evict him, without passing final orders under the provisions of A.P. Land Encroachment Act, 1905 and further, direction was sought for issuance of D-Form patta. This Court by order dated 5-8-1992 in the said Writ Petition, directed the respondents not to evict the petitioner, till explanation submitted by the petitioner is considered and appropriate orders are passed.

The petitioner, who is the wife of the petitioner in Writ Petition No. 9770 of 1992, filed this Writ Petition, stating that inspite of the directions of this Court, representation submitted by her late husband was not considered and steps are being taken to evict her from the land in question.

Though the Writ Petition is of the year 1999. no Counter affidavit is filed.

Inasmuch as the earlier order dated 5-8-1992 in Writ Petition No. 9770 of 1992 has became final, it is obligatory on the part of the respondents to consider the representation of the petitioner before taking any steps. In that view of the matter, I dispose of the Writ Petition, permitting the petitioner to file a copy of the representation dated 19-6-1996 before the respondent, within a period of four weeks from the date of receipt of this order, and, on filing of such representation, the respondent is directed to consider the same and pass appropriate orders, if not already passed, as expeditiously as possible. Till such time, status quo existing as on today, with regard to possession of the land in question, shall be maintained.

Subject to the above direction, the Writ Petition is disposed of. No costs.

ASSISTANT REGISTRAR.

//true copy//

Section Officer.

To

1.The Mandal Revenue Officer, Anakapally Mandal, Visakhapatnam District.

2. Two CD copies